

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming Devices Products Liability Litigation MDL No. 15-2666 (JNE/DTS)

This Document Relates to:
ALL ACTIONS

**[PROPOSED] PRETRIAL ORDER NO. 27 REGARDING
CASES FILED OR TRANSFERRED AFTER JULY 31, 2019
SUMMARY JUDGMENT ORDER AND WHILE APPEAL IS PENDING**

1. This Order shall apply to cases filed in or transferred to this Court following the Court's July 31, 2019 Memorandum and Order granting summary judgment in Defendants' favor as to all cases pending in these proceedings ("Summary Judgment Order").
2. Plaintiffs have appealed the Summary Judgment Order.
3. It is hereby ordered that:
 - a. MDL 2666 shall remain administratively open pending Plaintiffs' appeal of the Summary Judgment Order, to allow for the continued transfer of cases into the MDL.
 - b. Plaintiffs whose claims are filed in or transferred to MDL 2666 between July 31, 2019 and the resolution of the Eighth Circuit appeal of the Summary Judgment Order shall be conditionally dismissed without prejudice pending the Eighth Circuit's decision on appeal.

- c. If the Eighth Circuit affirms the Court's Summary Judgment Order in its entirety, and any further petition for rehearing or certiorari is unsuccessful and the decision becomes final, Plaintiffs whose claims were conditionally dismissed shall have 60 days to show cause as to why his or her claim should not be dismissed with prejudice under the Summary Judgment Order. Defendants may respond within 30 days. The Court will dismiss with prejudice the claims of any Plaintiff who does not file a show cause brief within 60 days or who is unable to show cause as to why his or her claim should not be dismissed.
- d. If the Eighth Circuit reverses the Summary Judgment Order in whole or in part, and any further petition for rehearing or certiorari is unsuccessful and the decision reversing the Summary Judgment Order becomes final, then the Court will enter an order reinstating the claims of the Plaintiffs whose claims were conditionally dismissed without prejudice. Defendants agree that the original filing date of those claims would govern for statute of limitations purposes if Plaintiffs' claims are reinstated in the MDL.

IT IS SO ORDERED.

Dated: _____, 2019

The Honorable Joan N. Erickson
United States District Court